

RemarksApplication Status and Disposition of Claims

The Final Office Action considered claims 1 and 4, claims 5-13 having been withdrawn from consideration as directed to a non-elected invention. The withdrawn claims have been allowed to remain pending, subject to possible rejoinder.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

The Action maintains the rejection to claims 1 and 4 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The reasons were set forth in the previous Office Actions.

Applicants submit that the present invention is enabled for at least the reasons set forth in the response filed on December 23, 2009. Applicants further note that, as stated in the Interview Summary filed January 22, 2010, during a telephonic interview on January 13, 2010, the Examiner indicated that the rejection could be overcome by providing a 37 C.F.R. § 1.132 Declaration, showing an association in a non-Japanese population between the 3279 SNP and myocardial infarction. As suggested by the Examiner, Applicants submit herewith a 37 C.F.R. § 1.132 Declaration. Applicants submit that the 37 C.F.R. § 1.132 Declaration shows that there is an association in a non-Japanese population between the 3279 SNP and myocardial infarction.

Authorization is hereby provided to charge any fee necessary to maintain the pendency of the application, including any required extension of time fee, to Deposit Account No. 19-0089.

If the Examiner has any questions, or wishes to discuss this matter, he is requested to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,
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42,920

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